

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH G SIMMONS JR,

Plaintiff,

v.

DEBORAH J WOFFARD et al.

Defendants.

CASE NO. C11-5999 BHS-JRC

ORDER LIFTING STAY AND
DIRECTING SERVICE

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

On May 16, 2012 the Court entered an order granting plaintiff's motion to file an amended complaint and giving plaintiff guidance (ECF No. 45). Plaintiff's amended complaint did not comply with the Court's order (ECF No. 57). On July 27, 2012 the Court stayed this action and directed plaintiff to file an amended complaint that complied with the Court's order. On August 17, 2012, a proper amended complaint was filed (ECF No. 73). Plaintiff names fourteen persons as defendants and has provided service copies.

1 The Court now orders the stay lifted.

2 The Court also orders:

3 (1) Service by Clerk

4 The Clerk is directed to send the following to the named defendants by first class mail: a
5 copy of plaintiff's civil rights complaint, a copy of this Order, two copies of the Notice of
6 Lawsuit and Request for Waiver of Service of Summons, a Waiver of Service of Summons, and
7 a return envelope, postage prepaid, addressed to the Clerk's Office.

8 (2) Response Required

9 Defendants shall have **thirty (30) days** within which to return the enclosed waiver of
10 service of summons. A defendant who timely returns a signed waiver shall have **sixty (60) days**
11 after the date designated on the notice of lawsuit to file and serve an answer to the amended
12 complaint or a motion permitted under Fed. R. Civ. P. 12.

13 A defendant who fails to timely return a signed waiver will be personally served with a
14 summons and complaint, and may be required to pay the full costs of such service, pursuant to
15 Fed. R. Civ. P. 4(d)(2). A defendant who has been personally served shall file an answer or
16 motion permitted under Fed. R. Civ. P. 12 within **thirty (30) days** after service.

17 (3) Filing and Service by Parties, Generally.

18 All attorneys admitted to practice before this Court are required to file documents
19 electronically via the court's CM/ECF system. Counsel is directed to the Court's website,
20 www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF.
21 All non-attorneys, such as *pro se* parties and/or prisoners, may continue to file a paper original
22 with the Clerk. All filings, whether filed electronically or in traditional paper format, must
23
24

1 indicate in the upper right hand corner the name of the Magistrate Judge to whom the document
2 is directed.

3 For any party filing electronically, when the total of all pages of a filing exceeds fifty
4 (50) pages in length, a paper copy of the document (with tabs or other organizing aids as
5 necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be
6 clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

7 Finally, any document filed with the court must be accompanied by proof that it has been
8 served upon all parties that have entered a notice of appearance in the underlying matter.

9 (4) Motions

10 Regarding the filing of motions before the court, the parties are directed to review Local
11 Rule CR 7 in its entirety. A few important points are highlighted below:

12 Any request for court action shall be set forth in a motion, properly filed and served.
13 Pursuant to amended Local Rule CR 7(b), any argument being offered in support of a motion
14 shall be submitted as a part of the motion itself and not in a separate document. **The motion**
15 **shall include in its caption (immediately below the title of the motion) a designation of the**
16 **date the motion is to be noted for consideration upon the court's motion calendar.**

17 In all instances where one of the parties to a lawsuit is incarcerated, **all** categories of non-
18 dispositive motions not listed in Local Rule CR 7(d)(1) must be noted for the third Friday after
19 the date of filing and service. This applies to all non-dispositive motions, even those which are
20 normally (if none of the parties are incarcerated) permitted to be noted for the second Friday
21 after filing. *See* Local Rule CR 7(d)(2).

22 All dispositive motions shall be noted for consideration no earlier than the fourth Friday
23 following filing and service of the motion.
24

(6) Direct Communications with District Judge or Magistrate Judge

(7) Clerk's Action

Dated this 26th day of September, 2012.

J. Richard Creatura
United States Magistrate Judge